



United States
Department of
Agriculture

Forest
Service

Region 10
Chugach Natl Forest
Cordova Ranger Dist

612 Second Street
P. O. Box 280
Cordova, AK 99574

File Code: 2720
Date: December 3, 2002

Heliski Operators

Attn: XXXX

Address line 1

Address line 2

Certified Return Receipt #

To Prospective Proponents:

In December of 2001 we asked interested parties to submit applications in response to a heli-ski prospectus for the Cleave Creek to Allen Glacier area on the Cordova Ranger District. We received four applications and following an evaluation process awarded a single applicant a permit to conduct heli-ski operations for a single year. There continues to be sufficient interest in providing heli-ski opportunities to justify the development of a second prospectus. If you are interested in obtaining a commercial heli-ski permit please review the enclosed prospectus, complete your application and return to:

Cordova Ranger District
Attn: Bob Behrends
P.O. Box 280
Cordova, Ak. 99574

Or e-mailed to: rbehrends@fs.fed.us

Proposals must be post-marked or e-mailed by COB January 2, 2003 and received no later than January 6, 2003.

The area to be considered is within the northern zone of the Cordova Ranger District, Chugach National Forest and is generally bordered by the Cleave Creek drainage to the north, the Copper River to the east, Allen Glacier to the south and Marshall Pass on the west. This is the same area previously permitted for commercial heli-ski operations in 1998, 1999, and 2002.

This area was recently analyzed for environmental affects as required by the National Environmental Protection Act and following review was documented in a Finding of No Significant Impact (FONSI). The FONSI was signed and approved by District Ranger, Rebecca S. Nourse on November 27, 2002. The decision allows for the issuance of a single Heli-ski Special Use Permit. The successful proponent of this prospectus will be issued a special use permit for a one-year probationary period. The permit may be renewed for additional years contingent on successful performance. If the successful proponent has already worked a minimum of two consecutive probationary years on the National Forest the issuance of a 5-year permit may be considered. Heli-ski operations and resource impacts will be monitored each season and adjustments or modifications made as is determined necessary. The Heli-ski E.A., FONSI, prospectus and support information may be found at the following web page: http://www.fs.fed.us/r10/chugach/chugach_pages/heliski_cordova.html.

For your convenience we have included Appendix F (Forest Service Form 6500-24, Financial Statement) within the prospectus package.

Each application will be reviewed by a Forest Service evaluation team.

If you have questions or comments you should contact Bob Behrends (907-424-4729) or Bruce Campbell (907-424-4731). We appreciate your interest and look forward to seeing your proposal.

Sincerely,

/s/ Robert Behrends (for)

REBECCA S. NOURSE
District Ranger

Cordova Ranger District Heli-ski Area Prospectus 2002

USDA Forest Service
Chugach National Forest
Alaska Region

December 3, 2002

The information in this prospectus is from generally reliable sources but no warranty as to the accuracy thereof is made. Each applicant is expected to make their own appraisal of the business opportunities offered by this proposal.

INDEX

I. INTRODUCTION.....	1
II. DESCRIPTION OF PROJECT.....	1
III. DESCRIPTION OF SETTING	2
IV. SPECIAL USE PERMIT	5
V. DESCRIPTION OF HELI-SKI OPERATIONS.....	7
VI. MISCELLANEOUS REQUIREMENTS	9
VII. BUSINESS QUALIFICATIONS OF APPLICANT AND PROPOSAL REQUIREMENTS.....	9
VIII. EVALUATION CRITERIA, ACCEPTANCE OF PROPOSAL AND AWARD	10
IX. SPECIAL CONDITIONS	11
X. SUBMISSION OF PROPOSAL	11
APPENDIX A - SAMPLE SPECIAL USE PERMIT	12
APPENDIX B - PROJECT AREA MAP	19
APPENDIX C - WINTER GOAT HABITAT MAP.....	20
APPENDIX D - FINDING OF NO SIGNIFICANT IMPACT	21
APPENDIX E - FOREST SERVICE FORM 6500-24.....	35
APPENDIX F - REQUIRED MITIGATION MEASURES.....	40

I. INTRODUCTION

This prospectus solicits proposals from private interests for the development and operation of a commercial heli-ski business within the northern zone of the Cordova Ranger District (see Appendix B – project Area Map; “Guided Heli-ski Analysis Area Cordova Ranger District Chugach National Forest”) generally bordered by the Cleave Creek drainage on the north, the Copper River on the east, Allen Glacier to the south, and Marshall Pass on the west. This is the same area previously permitted to a single heli-ski operator in the 1998, 1999, and 2002 season (See Appendix B).

The objective is to provide quality downhill recreational skiing experiences to the public within a remote and primitive setting, and to expand on and compliment existing heli-ski operations currently available on adjacent land ownerships within the Thompson Pass Special Use Area. Heli-skiing will provide Forest visitors with the unique opportunity to experience world class skiing within a primitive and pristine area of the Chugach Mountain Range. The heli-ski analysis area is one of the most remote locations on the Chugach National Forest and currently receives light visitation year round. In general, visitors will expect a range of skiing difficulties from intermediate to extreme in untracked snow conditions with little or no human encounters other than within skiing groups. For most visitors this will be the ultimate skiing and scenic experience of a lifetime. Photography and video filming will also be an important activity that may be incorporated within the permitted activity.

Proponents are advised to read the prospectus and the sample special use permit carefully and make their own estimates of development, operation and maintenance costs. The Forest Service estimates total investment for this project at \$125,000 to \$225,000. This prospectus and the accepted proposal shall become part of the special use permit. One permit will be issued under this prospectus. The proponent selected will be issued a special use permit for conducting guided heli-ski operations within the northern zone of the Cordova Ranger District. Annual fees will be based on the interim flat fee schedule within R-10 Special Uses Handbook Supplement No. 2709.11-2000-1, part 37.21c-Exhibit 01 (shown in Appendix E). Proponents may offer larger fees within the “Return to Government” section of evaluation criteria. The 2003 fee rate under this schedule is \$8.19/client day. The Regional Forester annually adjusts the amounts within the flat fee schedule using the Implicit Price Deflator-Gross National Product Index. The Regional Forester may also make periodic adjustments to fee schedules based on updated appraisals.

Many of the stipulations described in this prospectus are the result of an Environmental Assessment and Finding of No Significant Impact (FONSI) signed November 27, 2002 by Cordova District Ranger Rebecca S. Nourse. The FONSI shall, by reference be a part of this prospectus (Appendix D). The FONSI establishes certain criteria that must be followed in the development of this prospectus and in implementation by the eventual permit holder. The FONSI is available for review at the Cordova Ranger District, 612 2nd Street, Cordova, Alaska.

II. DESCRIPTION OF THE PROJECT

Purpose and Location

The objective is to increase and diversify winter recreational opportunities on the Chugach National Forest. Allowing commercial heli-ski services will provide quality downhill recreational skiing experiences to the public within a remote and primitive setting and will expand on and

compliment existing heli-ski operations currently available on adjacent land ownerships within the Thompson Pass Special Use Area. Heli-skiing will provide Forest visitors with the unique opportunity to experience world class skiing within a primitive and pristine area of the Chugach Mountain Range. The Cordova Ranger District heli-ski area is one of the most remote locations on the Chugach National Forest and currently receives extremely light visitation year round. In general, visitors will expect a range of skiing difficulty levels from intermediate to extreme in untracked snow conditions. Few human encounters will be expected other than within skiing groups. For most visitors this will be the ultimate skiing and scenic experience of a lifetime. Photography and video filming will also be a component of the heli-ski activities.

The heli-ski area is located 28 – 40 miles Northeast of Cordova and extends 7 to 30 miles southeast of Thompson pass from the Richardson Highway. It is located within the mountainous areas between Marshall Pass and the Copper River, bounded on the south by the Allen Glacier and on the north by the BLM/Forest Service boundary (on the north side of Cleave Creek). Guided helicopter skiing will be permitted in seven regions totaling approximately 225,000 acres within the project area (Appendix B).

Service/Activity to be offered

The services to be provided through this prospectus are commercially guided helicopter skiing. The focus is world class skiing at a variety of skill levels in primitive and pristine settings. In order to mitigate public and resource concerns such as impacts to other recreationists, wildlife, avalanche control, and private land ownerships, specific limitations are listed as mitigation measures within Appendix F. Proponents will need to be familiar with these restrictions as they may have an affect on heli-ski operations. Prospective applicants will also need to consider the number of visitors which will be served, and the fee to be charged. The season of use will be from February 1, through April 30, annually. Based on the recreation carrying capacity for the area and input from heli-ski operators, helicopter pilots and the FONSI a maximum of 5 helicopters per day and 87 persons at one time (PAOTs) within the project area will be allowed for the 89 operational days. Past permitted helicopter skiing used 3 to 4 helicopters and a maximum of 470 client days. This is well below the established maximum commercial carrying capacity (7,743 client days). Applicants should be aware that each assigned region within the heli-ski area has its own carrying capacity (total, commercial, and heli-guided PAOT capacity) and if weather or other circumstances limit the number of regions accessible, the total number of people allowed within each region of the ski area is limited to the commercial carrying capacities of each region that is accessible up to the heli-guided total capacity of 87 PAOTs maximum per day for the entire heli-ski area (refer to pages 14 and 15 in the Environmental Assessment for additional information regarding total, commercial, and heli-guided PAOT capacities by region and how they are interrelated).

III. DESCRIPTION OF THE SETTING

Climate

The Allen Glacier to Cleave Creek area is noted for its extremely mountainous and rugged terrain. Skiable terrain ranges from 1,500 –7,000 feet in elevation. Severe weather and tremendous snow accumulations are common. Annual precipitation for the area varies from 100 – 180 inches per year. Many of the storms that pass through the Copper River corridor have very strong winds. Winds of more than 100 mph are not uncommon. Temperatures are cold with the mean monthly

average in January below zero degrees Fahrenheit. Related to the weather, much of the area is glaciated year round.

Area Management

The Chugach National Forest manages approximately 80% of the lands within the project area; however, large blocks of private lands are present within the Copper River, Tasnuna River and Cleave Creek corridors. Additional lands to the north and west are administered by the State of Alaska and the BLM and lands occurring to the east of the Copper River are administered by the National Park Service. Proponents must be aware of other agency lands and private ownerships in order to avoid trespass or unauthorized use problems.

Recreation Use

Due to the remoteness and inaccessibility of the area, recreational use (with the exception of the 1998, 1999, and 2002 heli-ski seasons) is extremely light. Occasional use by trappers or snowmobile groups has been reported.

Recreation Setting, Primitive II ROS, and PAOT capacity by region:

The entire heli-ski area has a Recreation Opportunity Spectrum (ROS) class of Primitive II. It is important that the prospective proponents understand the relationship between the Primitive II Standards and PAOT capacities by region. If there are any questions regarding the heli-ski PAOT capacity for the entire area (87 PAOTs) and how it relates to the commercial PAOT capacity by region (see table below), they should contact the Cordova Ranger District office. Included below are the ROS standards and PAOT capacities that apply to the heli-ski area.

The following requirements for permitted heli-skiing within the analysis area would be included within any heli-ski permit issued for the analysis area:

- Maximum commercial heli-ski PAOT's for the entire analysis area (all regions) is 87 PAOT'S (regions 1 through 7).
- The maximum group size for a Primitive II ROS setting is 15 people.
- The number of people on a single slope inter-visible to one another is 15 and the number of encounters per day between parties is one or less.
- The maximum total PAOT use per day of 87 PAOT's for the permit area shall not be exceeded.
- Five helicopters is the maximum number of helicopters allowed in the permit area at one time.
- At no time shall the sum total use by the permit holder in the total permit area (regions 1-7) exceed 87 PAOT's and 5 (five) helicopters at one time.

The Heli-ski PAOT capacity of 87 PAOT's (50% of the commercial capacity), may be distributed within each region up to the commercial capacity PAOT level until the 87 maximum PAOT capacity is reached, but must stay within ROS Primitive II guidelines for maximum group size and number of encounters per day and must meet all other mitigation measures listed (see notes below for reasoning**).

Heli-ski PAOT Capacity by Region: (87 PAOT's Total)

-Reg 1; 16	-Reg 5; 24
-Reg 2; 9	-Reg 6; 12
-Reg 3; 12	-Reg 7; 2
-Reg 4; 12	

Commercial PAOT Capacity by Region: (174 PAOT's Total)

-Reg 1; 33	-Reg 5; 48
-Reg 2; 18	-Reg 6; 23
-Reg 3; 24	-Reg 7; 4
-Reg 4; 24	

****a.** To allow for greater operator flexibility due to weather conditions, snow and skiing conditions, ease of access and access considerations, and therefore allow greater ability to adjust to changing conditions, would make use of the area more economically feasible and viable for the operator(s).

****b.** Because very little use currently occurs within this area during this time period, it is expected that using up to the commercial carrying capacity in any one region while staying within the heli-ski guided PAOT capacity (87 PAOT's) would have little or no effect on other commercial or non-commercial users.

****c.** As use of this area from all commercial and non-commercial activities increases, potential conflict between user groups increases. Adhering to the heli-guided PAOT capacity for each individual region, and restricting helicopter use to only the PAOT capacity identified for helicopters in each region will likely become necessary as use of the area increases in the future.

****d.** If through monitoring, using this approach compromises safety, primitive II ROS standards, or compromises wildlife or the other resources of the area below Forest Plan Standards or violates other mitigation measures identified, the heli-guided PAOT capacity for each region with an identified problem would be used as the maximum PAOT capacity for guided heli-ski use for the region.

Table 2.2 Carrying Capacity by Region

Region – acres	Total PAOTS (Commercial = 50%) (Non-commercial = 50%)	Commercial PAOT'S (this includes all types of commercial uses)	Heli-Guided PAOT'S (50% of Commercial PAOT's Assigned to Heli-Guided Use)
1. 55,040	66	33	16
2. 23,040	37	18	9
3. 28,160	48	24	12

Region – acres	Total PAOTS (Commercial = 50%) (Non-commercial = 50%)	Commercial PAOT'S (this includes all types of commercial uses)	Heli-Guided PAOT'S (50% of Commercial PAOT's Assigned to Heli-Guided Use)
4. 28,160	48	24	12
5. 60,800	97	48	24
6. 26,240	45	23	12
7. 3,840	7	4	2
Total 225,280	348	174	87

Other Resource Information

The majority of the area is unvegetated with dense alder, 15 to 20 feet high, in the lower elevations below 1,500 feet. Some scattered cottonwood is found in the river bottoms.

A small number of moose have been sighted in the area and some wolf and wolverine have been sighted. Mountain goats are more common. Goats and goat habitat areas must be avoided as per the mitigation measures within Appendix F and the Winter Goat Habitat map Appendix C.

Cultural Resources

The Forest Service program for compliance with the National Historic Preservation Act (NHPA) includes locating, inventorying and nominating all cultural sites that may be directly or indirectly affected by scheduled activities. No cultural site survey is required for activities conducted on snow per the Programmatic Agreement between Forest Service, State Historic Preservation Officer and the Advisory Council.

Access

Access to the area during winter months can only be attained by helicopter, airplane, snow machine, or possibly tour skiers from the Thompson Pass area or the Rude River corridor.

IV. Special Use Permit and Definitions

Term/Area: A one-year probationary authorization will be issued to the successful proponent for the same area previously permitted in 1998, 1999, and 2002. This authorization may be renewed for up to 5 years contingent on successful performance by the operator. If an operator is selected who has already performed successfully on the Chugach National Forest for a minimum of 2 consecutive years, issuance of a five-year permit may be considered.

All authorizations are made under terms and conditions identified in a special use permit. A sample heli-ski permit is included within this prospectus as Appendix A. Proponents should read and understand all terms and conditions in Appendix A. Special use permits require Operation and Safety Plans, and these are discussed in section V. The following discusses and defines some of the terminology in the special use permit:

Heli-ski operations will be monitored for potential impacts to resources and may be modified in subsequent years to be more, or less restrictive. All proponents should be aware of the required clauses of Forest Service special use permits and insurance requirements.

Services Authorized: The following are the only services that will be authorized under this permit:

- Commercially guided heli-ski activities.
- Commercial heli-ski photography and video.
- A fuel cache of 100 gallons maximum at an approved site outside of goat habitat and away from drainages and potential flowing waters. The fuel cache must be equipped with fuel spill pads and surrounded by a DEC approved fuel containment bib.

Construction: No construction will be authorized. No clearing of vegetation will be authorized.

Inspection: The Forest Service reserves the right to inspect the permit area and the operations undertaken there at any time, and upon written notice to the permit holder, may suspend such operations which are not in compliance with the terms of the special use permit.

Fees: Annual fees will be based on the Alaska Region 10 interim flat fee schedule for Outfitter/Guides. The prospectus applicants may offer larger fees within the “Return to Government” section of evaluation criteria. The 2003 fee for heli-skiing under this schedule is \$8.19/NFS client day. The Regional Forester annually adjusts the amounts within the flat fee schedule using the Implicit Price Deflator-Gross National Product Index. The Regional Forester may also make periodic adjustments to fee schedules based on updated appraisals.

In addition to the specific requirements described above, there are several general requirements that will apply to any proposal and special use permit.

-Publicity materials shall indicate that this operation is located on National Forest System lands of the Chugach National Forest, and is operated under a special use permit from the U.S.D.A. Forest Service.

-Commercial General Liability Insurance: If insurance limits are identified in the combined single limit (CSL) format, the minimum shall be \$500,000 CSL per occurrence. If split limit format is used, the holder shall have in force commercial general liability insurance covering: (1) property damage in the amount of \$25,000 and (2) damage to persons in the minimum amount of \$100,000 in the event of death or injury to one individual and the minimum amount of \$300,000 in the event of death or injury to more than one individual.

The coverage shall extend to property damage, bodily injury, or death arising out of the holder's activities under the permit including, but not limited to, the occupancy or use of the land or operations authorized by this permit. Such insurance shall also name the United

States as additional insured and provide for specific coverage of the holder's contractually assumed obligation to indemnify the United States.

The policy shall also contain a specific provision or rider to the effect that the policy will not be cancelled or its provisions changed or deleted before thirty (30) days written notice to the District Ranger, P.O. Box 280, Cordova Ranger District, Cordova, AK 99574, by the insurance company. Upon issuance of the special use permit, the successful proponent must be able to provide proof of liability insurance.

-Nondiscrimination: The permit holder will be required to comply with all nondiscrimination provisions set forth in the special use permit. These regulations assure that the permit holder will not discriminate against any applicant, must consider all qualified applicants, and will treat all employees without regard to race, color, religion, sex, or national origin. It also assures that the permit holder shall send a representative of the workers to each labor union with which he has a collective bargaining agreement or understanding. The permit holder shall include and require compliance with the nondiscrimination provisions in any subcontracts made with respect to operation under this permit. The permit holder is required to post in a conspicuous place, as directed by the Forest Service, notices setting forth the provisions advising workers of the commitments or understandings he has with these labor unions.

The permit holder shall not discriminate in the services offered the public in accordance with Title VI of the Civil Rights Act and with USDA policy and regulation.

In the event of the permit holder's noncompliance with the nondiscrimination clause of this permit or any such rules, regulations or orders, this permit may be cancelled in whole or part and the permit holder may be declared ineligible for any further government contracts.

V. DESCRIPTION OF HELI-SKI OPERATIONS

All proponents are required to submit a copy of their Operation and Safety Plan. Proponents should supply evidence of plan implementation and follow the prescribed procedures (eg daily logs, accident reports, certifications, etc.). At a minimum the plan should include the following:

A. Aircraft Operations

- Contracted helicopter companies
- Operations
- Flight Following
- Lost persons or aircraft protocol
- Aircraft orientation and briefing
- Protocol for landing zones
- Fueling procedures
- Noise mitigation (eg. Community approach/departure flight paths, elevations, etc.)
- Conflict mediation (eg. with other backcountry users)
- Wildlife avoidance
- Number of pilots and hours experience. Other qualifications.
- Communications
- Dispatching

B. Field Operations

- Guides and experience/certifications
- Avalanche safety
- Difficulty levels
- Trips per day
- Landing zones
- Group distributions
- Ski group/ship ratios
- Communications
 - Communication Plan & Procedures
 - Radio and Dispatch Organization and location
 - Hazards Evaluation and Forecasting (eg. Avalanches, ground conditions, weather, rock slides, glacier monitoring etc.)
- Gathering/Recording meteorological data (eg. Snow pack data, weather forecasts, etc.)
 - Evaluation procedures
 - Hazards activity record (eg. avalanche history, weather patterns, ground stability)
 - Hazard mitigation (“go/no go” protocols)

C. Emergency Procedures/Mobilization Plan

- Emergency classifications
- Injury protocols
- Accident or incident protocols:
- Emergency phone number appendix
- Accident reporting
 - No missing personnel
 - Missing personnel
 - Overdue/missing aircraft
 - Aircraft breakdown
 - Other emergencies
 - Emergency, First Aid & rescue equipment
 - Equipment locations
 - Equipment contents
 - Specialized equipment

D. Operational Requirements for helicopters: Proponents should list the number and types of aircraft used and why they use them. They should list their capacities, load capabilities and safe loading procedures.

E. Oil/Fuel Spills: Provide information on fuels handling including a Containment and Clean-up Plan for oil or fuel spills on land and water. Provide documentation of past spills and evidence of plan implementation. Report any violations or citations for environmental contamination.

F. Operating Season: The season of use will be from February 1, through April 30, annually

G. Human & Solid Waste: Applicants shall describe how they intend to handle both human and solid waste.

VI. MISCELLANEOUS REQUIREMENTS

- 1) Proponents must provide a five-year history of their safety record which shall include aircraft incidents, FAA citations, skiing accidents resulting in injury and avalanche incidents. Proponents are required to provide the names and contact numbers of persons involved in such accidents. The evaluation team will be checking with the FAA and emergency services for corroboration of any known incidents.

Note: Safety records may be corroborated by emergency services organizations, law enforcement agencies and insurance companies.

- 2) Proponents must provide a complete listing of clients and contact numbers over the last two years. (These client lists will be kept confidential).

VII. BUSINESS QUALIFICATIONS OF APPLICANT AND PROPOSAL REQUIREMENTS

The permit holder will be selected from all proponents based on an evaluation to determine who, in the judgment of the Forest Service, is best qualified to operate a heli-ski business and provide the best recreation experience to the clients.

All costs incurred by the applicant for items submitted for this proposal shall be the sole responsibility of the proponent.

- 1) Managerial Experience & Background: Of primary interest when a public service is to be performed is the permit holder's ability to perform according to the permit terms.

The applicant should describe their experiences in the development and operation of this type or similar enterprises or related business or have, within the active directorate of a corporation, such expertise. The demonstrated ability to implement and operate the project described in this prospectus is a prime requisite. Business knowledge, experience, and "know-how" are an asset necessary to ensure a reasonable profit. Any operations previously conducted under a Forest Service special use permit should be identified.

At least three character references must be submitted with the application proposal.

- 2) Financial Ability: Proponent shall submit a complete financial plan describing resources available for development of this project and operation. It will be important for each proponent to provide financial information that will allow the Forest Service to evaluate his or her proposal. This information will remain confidential, and should be detailed enough for complete evaluation of the proposal. The financial information should contain two primary sections: a Credit Package and a Projected Performance Statement. A certified financial auditor will be utilized by the Forest Service to review each financial package. Financial statements are secured in confidence and are not public information.

The Credit Package should describe the applicant's ability to finance the project. This should include the following: a complete set of audited or reviewed financial statements for the last three complete fiscal years (or most current information if less than three years) including assets, liabilities, and net worth; credit references; letter(s) of intent from financial institutions if financing is proposed; and appropriate documentation describing

business partnerships and/or agreements if applicable, such as major shareholders, limited partners, etc. The letter(s) of intent from the financial institutions must be mailed directly to the Forest Service and must be notarized or embossed with the financial institution seal.

The Projected Performance Statement should describe the anticipated profit and/or loss. This should be a detailed description by quarter for the first operating year and annually for the life of the full permit (5 years). The Performance Statement should include construction, financing, design, and operation and maintenance costs; fees to be paid the government including surcharges if proposed; number of visitors served; fees to be charged (including any variable fees); and the estimated down time (maintenance, repairs, etc.).

The financial plan should also describe the operating season, if different than that stated in the prospectus.

3) Charges to the Public: Proponents shall submit a proposed fee to be charged the public for heli-ski services. Any differential price structure should also be described (e.g. children, military, senior citizens, weekend, weekdays, etc.). It is the primary objective of the Forest Service to provide satisfactory public service at moderate rates. Rates determined, by the Forest Service, to be excessive will not be considered.

4) Sublease: Proponents shall state if any of the development, facilities, arrangements, or operation are to be subleased on National Forest System lands and if so, provide details. The Forest Service must approve all such subleases and the permit holder is responsible for their compliance with the terms of the special use permit.

VIII. EVALUATION CRITERIA. ACCEPTANCE OF PROPOSAL AND AWARD

Proposals will be evaluated by the Forest Service on the following criteria and those items discussed in Sections IV thru VII of the prospectus:

- Minimization or mitigation of negative impacts to the National Forest, other forest users, wildlife, private or other agency lands
- Qualifications, training, certifications and experience of the applicant, helicopter pilots, operational staffing and guides.
- Overall service, and cost to the public.
- Special use permit fee and Return to Government.
- Responsiveness to safety considerations (eg. avalanche forecasting, flight safety, communications, safety record, and evidence of O & S Plan implementation).
- Strength of the financial plan/package.

Proponents are encouraged to provide clear and concise information for each evaluation criteria. Information provided in Sections IV thru VII does not have to be repeated in responding to the evaluation criteria and may be referenced.

Within 15 days after the closing date for receipt of proposals the Forest Service will determine the most qualified proponent. If clarification of the proposal is required, such persons, partnerships, or corporations will then be notified that they may be required to submit, within 10 days of the date of notification, clarifying evidence, satisfactory to the Forest Service, that verifies the proponent's ability to complete the development and operation as proposed.

Final acceptance for the proposal will not be made until such evidence is presented and is satisfactory to the Forest Service.

At that time, a special use permit covering the development, operation and service to be provided will be issued to the successful proponent. A sample copy of a heli-ski special use permit is attached to this prospectus (Appendix A). Proponents should read this sample special use permit very carefully.

** If the Environmental Assessment is appealed per 36CFR215.7, implementation may not occur until 15 days following the date of appeal disposition per 36CFR215.10(b). The estimated earliest date appeal disposition would occur is approximately March 14, 2003.

IX. SPECIAL CONDITIONS

Consideration of Applications: The government reserves the right to reject any or all proposals

Verbal Modification: Any oral statement made by a representative of the Government modifying or changing any condition of this prospectus is an expression of opinion only and confers no rights upon any proponent.

Profitability: The Forest Service cannot ensure a profitable operation to the successful proponent. Therefore, each proponent is encouraged to make his or her own economic appraisal of the opportunity offered through this prospectus.

X. SUBMISSION OF PROPOSAL

All proposals must be submitted in writing or e-mailed to:

Cordova Ranger District
Attn: Bob Behrends
P.O. Box 280
Cordova, Ak. 99574
or
rbehrends@fs.fed.us

Proposals must be post-marked or e-mailed by COB January 2, 2003 and received no later than COB January 6, 2003. Proponents must submit a minimum of six copies of their proposal. Incomplete proposals will not be returned to the proponent for more information. Material submitted with proposals, with the exception of financial information, will not be returned to the applicant

Appendix A

Sample Special Use permit

(Note: this is a sample only and does not confer any obligation upon the Forest Service)

Authorization ID: COR00
Contact ID: HELI_SKI
Expiration Date: 12/31/2002
Use Code: 153

FS-2700-4 (8/99)
OMB 0596-0082

**U.S. DEPARTMENT OF AGRICULTURE
Forest Service
SPECIAL USE PERMIT
AUTHORITY:**

LAND AND WATER CONSERVATION FUND ACT OF 1965, AS AMENDED September 3, 1964

Heli-Skiing Guides, Inc. of PO BOX 000, Anchorage, AK 99503 (hereinafter called the Holder) is hereby authorized to use or occupy National Forest System lands, to use subject to the conditions set out below, on the Chugach National Forest or Cordova Ranger District unit of the National Forest System.

This permit covers 25,000 acres and is described as: T9S; R1W, R1E, R2E and T10S; R1W, R1E, R2E, and R3E within the sections shown on the location maps (Appendix A and B) attached to and made a part of this permit, and is issued for the purpose of:

Conducting commercial outfitted and guided helicopter supported skiing (heli-skiing). Specific details of the helicopter skiing operations are included in the Heli-Skiing Guides Inc. Operations and Safety Plan. A 100 gallon fuel cache is authorized at T10S, R1E, sec. 13 as shown on Appendix A. The fuel cache must be removed at the conclusion of each operating season. This permit does not authorize exclusive use of the permitted heli-ski areas identified in appendix A & B. Mitigation measures associated with these heli-skiing activities are attached to and made part of this permit (Appendix C). The use of explosives for avalanche control is authorized **only as an emergency measure** and is not to be considered a normal business routine.

The above described or defined area shall be referred to herein as the "permit area".

TERMS AND CONDITIONS

I. AUTHORITY AND GENERAL TERMS OF THE PERMIT

A. Authority. This permit is issued pursuant to the authorities enumerated at Title 36, Code of Federal Regulations, Section 251 Subpart B, as amended. This permit, and the activities or use authorized, shall be subject to the terms and conditions of the Secretary's regulations and any subsequent amendment to them.

B. Authorized Officer. The authorized officer is the Forest Supervisor or a delegated subordinate officer.

C. License. This permit is a license for the use of federally owned land and does not grant any permanent, possessory interest in real property, nor shall this permit constitute a contract for purposes of the Contract Disputes Act of 1978 (41 U.S.C. 611). Loss of the privileges granted by this permit by revocation, termination, or suspension is not compensable to the holder.

D. Amendment. This permit may be amended in whole or in part by the Forest Service when, at the discretion of the authorized officer, such action is deemed necessary or desirable to incorporate new terms, conditions, and stipulations as may be required by law, regulation, land management plans, or other management decisions.

E. Existing Rights. This permit is subject to all valid rights and claims of third parties. The United States is not liable to the holder for the exercise of any such right or claim.

F. Nonexclusive Use and Public Access. Unless expressly provided for in additional terms, use of the permit area is not

exclusive. The Forest Service reserves the right to use or allow others to use any part of the permit area, including roads, for any purpose, provided, such use does not materially interfere with the holder's authorized use. A final determination of conflicting uses is reserved to the Forest Service.

G. Forest Service Right of Entry and Inspection. The Forest Service has the right of unrestricted access of the permitted area or facility to ensure compliance with laws, regulations, and ordinances and the terms and conditions of this permit.

H. Assignability. This permit is not assignable or transferable. If the holder through death, voluntary sale or transfer, enforcement of contract, foreclosure, or other valid legal proceeding ceases to be the owner of the improvements, this permit shall terminate.

I. Permit Limitations. Nothing in this permit allows or implies permission to build or maintain any structure or facility, or to conduct any activity unless specifically provided for in this permit. Any use not specifically identified in this permit must be approved by the authorized officer in the form of a new permit or permit amendment.

II. TENURE AND ISSUANCE OF A NEW PERMIT

A. Expiration at the End of the Authorized Period. This permit will expire at midnight on 12/31/2002. Expiration shall occur by operation of law and shall not require notice, any decision document, or any environmental analysis or other documentation.

B. Minimum Use or Occupancy of the Permit Area. Use or occupancy of the permit area shall be exercised at least 10 days each year, unless otherwise authorized in writing under additional terms of this permit.

C. Notification to Authorized Officer. If the holder desires issuance of a new permit after expiration, the holder shall notify the authorized officer in writing not less than six (6) months prior to the expiration date of this permit.

D. Conditions for Issuance of a New Permit. At the expiration or termination of an existing permit, a new permit may be issued to the holder of the previous permit or to a new holder subject to the following conditions:

1. The authorized use is compatible with the land use allocation in the Forest Land and Resource Management Plan.
2. The permit area is being used for the purposes previously authorized.
3. The permit area is being operated and maintained in accordance with the provisions of the permit.
4. The holder has shown previous good faith compliance with the terms and conditions of all prior or other existing permits, and has not engaged in any activity or transaction contrary to Federal contracts, permits laws, or regulations.

E. Discretion of Forest Service. Notwithstanding any provisions of any prior or other permit, the authorized officer may prescribe new terms, conditions, and stipulations when a new permit is issued. The decision whether to issue a new permit to a holder or successor in interest is at the absolute discretion of the Forest Service.

F. Construction. Any construction authorized by this permit may commence by N/A and shall be completed by N/A. If construction is not completed within the prescribed time, this permit may be revoked or suspended.

III. RESPONSIBILITIES OF THE HOLDER

A. Compliance with Laws, Regulations, and other Legal Requirements. The holder shall comply with all applicable Federal, State, and local laws, regulations, and standards, including but not limited to, the Federal Water Pollution Control Act, 33 U.S.C. 1251 et seq., the Resource Conservation and Recovery Act, 42 U.S.C. 6901 et seq., the Comprehensive Environmental Response, Control, and Liability Act, 42 U.S.C. 9601 et seq., and other relevant environmental laws, as well as public health and safety laws and other laws relating to the siting, construction, operation, and maintenance of any facility, improvement, or equipment on the property.

B. Plans. Plans for development, layout, construction, reconstruction, or alteration of improvements on the permit area, as well as revisions of such plans, must be prepared by a qualified individual acceptable to the authorized officer and shall be approved in writing prior to commencement of work. The holder may be required to furnish as-built plans, maps, or surveys, or other similar information, upon completion of construction.

C. Maintenance. The holder shall maintain the improvements and permit area to standards of repair, orderliness, neatness, sanitation, and safety acceptable to the authorized officer and consistent with other provisions of this authorization. If requested, the holder shall comply with inspection requirements deemed appropriate by the authorized officer.

D. Hazard Analysis. The holder has a continuing responsibility to identify all hazardous conditions on the permit area which would affect the improvements, resources, or pose a risk of injury to individuals. Any non-emergency actions to abate such hazards shall be performed after consultation with the authorized officer. In emergency situations, the holder shall notify the authorized officer of its actions as soon as possible, but not more than 48 hours, after such actions have been taken.

E. Change of Address. The holder shall immediately notify the authorized officer of a change in address.

F. Change in Ownership. This permit is not assignable and terminates upon change of ownership of the improvements or control of the business entity. The holder shall immediately notify the authorized officer when a change in ownership or control of business entity is pending. Notification by the present holder and potential owner shall be executed using Form SF-299 Application for Transportation and Utility Systems and Facilities of Federal Lands, or Form FS-2700-3a, Holder Initiated Revocation of Existing Authorization, Request for a Special Use Permit. Upon receipt of the proper documentation, the authorized officer may issue a permit to the party who acquires ownership of, or a controlling interest in, the improvements or business entity.

IV. LIABILITY

For purposes of this section, "holder" includes the holder's heirs, assigns, agents, employees, and contractors.

A. The holder assumes all risk of loss to the authorized improvements.

B. The holder shall indemnify, defend, and hold the United States harmless for any violations incurred under any such laws and regulations or for judgments, claims, or demands assessed against the United States in connection with the holder's use or occupancy of the property. The holder's indemnification of the United States shall include any loss by personal injury, loss of life or damage to property in connection with the occupancy or use of the property during the term of this permit. Indemnification shall include, but is not limited to, the value of resources damaged or destroyed; the costs of restoration, cleanup, or other mitigation; fire suppression or other types of abatement costs; third party claims and judgments; and all administrative, interest, and other legal costs. This paragraph shall survive the termination or revocation of this authorization, regardless of cause.

C. The holder has an affirmative duty to protect from damage the land, property, and interests of the United States.

The holder shall maintain \$300,000 worth of insurance coverage, naming the United States additionally insured on the policy(ies), to partially fund the indemnification obligations of the holder for any and all losses due to personal injury, loss of life, or property damage, including fire suppression and hazardous waste costs. The holder shall furnish proof of insurance (such as a surety bond, or certificate of insurance) to the authorized officer prior to execution of this permit and verify annually, and in writing, the insurance obligation to the authorized officer. The authorized officer may allow the holder to replace, repair, restore, or otherwise undertake necessary curative actions, to the satisfaction of the authorized officer, in order to mitigate damages in addition to or as an alternative to monetary indemnification.

D. In the event of any breach of the conditions of this authorization by the holder, the authorized officer may, on reasonable notice, cure the breach for the account at the expense of the holder. If the Forest Service at any time pays any sum of money or does any act which will require payment of money, or incurs any expense, including reasonable attorney's fees, in instituting, prosecuting, and/or defending any action or proceeding to enforce the United States rights hereunder, the sum or sums so paid by the United States, with all interests, costs and damages shall, at the election of the Forest Service, be deemed to be additional fees hereunder and shall be due from the holder to the Forest Service on the first day of the month following such election.

E. With respect to roads, the holder shall be proportionally liable for damages to all roads and trails of the United States open to public use caused by the holder's use to the same extent as provided above, except that liability shall not include reasonable and ordinary wear and tear.

F. The Forest Service has no duty to inspect the permit area or to warn of hazards and, if the Forest Service does inspect the permit area, it shall incur no additional duty nor liability for identified or non-identified hazards. This covenant may be enforced by the United States in a court of competent jurisdiction.

V. TERMINATION, REVOCATION, AND SUSPENSION

A. General. For purposes of this permit, "termination", "revocation", and "suspension" refer to the cessation of uses and privileges under the permit.

"Termination" refers to the cessation of the permit under its own terms without the necessity for any decision or action by the authorized officer. Termination occurs automatically when, by the terms of the permit, a fixed or agreed upon condition, event, or time occurs. For example, the permit terminates at expiration. Terminations are not appealable.

"Revocation" refers to an action by the authorized officer to end the permit because of noncompliance with any of the prescribed terms, or for reasons in the public interest. Revocations are appealable.

"Suspension" refers to a revocation which is temporary and the privileges may be restored upon the occurrence of prescribed actions or conditions. Suspensions are appealable.

B. Revocation or Suspension. The Forest Service may suspend or revoke this permit in whole or part for:

1. Noncompliance with Federal, State, or local laws and regulations.
2. Noncompliance with the terms and conditions of this permit.
3. Reasons in the public interest.
4. Abandonment or other failure of the holder to otherwise exercise the privileges granted.

C. Opportunity to Take Corrective Action. Prior to revocation or suspension for cause pursuant to Section V (B), the authorized officer shall give the holder written notice of the grounds for each action and a reasonable time, not to exceed 90 days, to complete the corrective action prescribed by the authorized officer.

D. Removal of Improvements. Prior to abandonment of the improvements or within a reasonable time following revocation or termination of this authorization, the holder shall prepare, for approval by the authorized officer, an abandonment plan for the permit area. The abandonment plan shall address removal of improvements and restoration of the permit area and prescribed time frames for these actions. If the holder fails to remove the improvements or restore the site within the prescribed time period, they become the property of the United States and may be sold, destroyed or otherwise disposed of without any liability to the United States. However, the holder shall remain liable for all cost associated with their removal, including costs of sale and impoundment, cleanup, and restoration of the site.

VI. FEES

A. Termination for Nonpayment. This permit shall automatically terminate without the necessity of prior notice when land use rental fees are 90 calendar days from the due date in arrears.

B. The holder shall pay an annual fee of minimum(*) one hundred Dollars, minimum \$100 for the period from 1/1/2002 to 12/31/2002 and thereafter annually on date on Bill for Collection, minimum one hundred Dollars, minimum \$100: Provided, charges for this use shall be made or readjusted whenever necessary to place the charges on a basis commensurate with the fair market value of the authorized use.

* or flat fee will be assessed per client day per the interim flat fee schedule established in R-10 supplement # 2704.11-2000-1 (which ever is greater).

C. Payment Due Date. The payment due date shall be the close of business on date on Bill for Collection of each calendar year payment is due. Payments due the United States for this use shall be deposited at USDA Forest Service, File 71652, P.O. Box 60000, San Francisco, CA 94160-1652, in the form of a check, draft, or money order payable to "Forest Service, USDA." Payments shall be credited on the date received by the designated Forest Service collection officer or deposit location. If the due date for the fee or fee calculation statement falls on a non-workday, the charges shall not apply until the close of business on the next workday.

D. Late Payment Interest, Administrative Costs and Penalties Pursuant to 31 U.S.C. 3717, et seq., interest shall be charged on any fee amount not paid within 30 days from the date the fee or fee calculation financial statement specified in this authorization becomes due. The rate of interest assessed shall be the higher of the rate of the current value of funds to the U.S. Treasury (i.e., Treasury tax and loan account rate), as prescribed and published by the Secretary of the Treasury in the Federal Register and the Treasury Fiscal Requirements Manual Bulletins annually or quarterly or at the Prompt Payment Act rate. Interest on the principal shall accrue from the date the fee or fee calculation financial statement is due.

In the event the account becomes delinquent, administrative costs to cover processing and handling of the delinquency will be assessed.

A penalty of 6 percent per annum shall be assessed on the total amount delinquent in excess of 90 days and shall accrue from the same date on which interest charges begin to accrue.

Payments will be credited on the date received by the designated collection officer or deposit location. If the due date for the fee or fee calculation statement falls on a non-workday, the charges shall not apply until the close of business on the next workday.

Disputed fees are due and payable by the due date. No appeal of fees will be considered by the Forest Service without full payment of the disputed amount. Adjustments, if necessary, will be made in accordance with settlement terms or the appeal decision.

If the fees become delinquent, the Forest Service will:

Liquidate any security or collateral provided by the authorization.

If no security or collateral is provided, the authorization will terminate and the holder will be responsible for delinquent fees as well as any other costs of restoring the site to its original condition including hazardous waste cleanup.

Upon termination or revocation of the authorization, delinquent fees and other charges associated with the authorization will be subject to all rights and remedies afforded the United States pursuant to 31 U.S.C. 3711 *et seq.* Delinquencies may be subject to any or all of the following conditions:

Administrative offset of payments due the holder from the Forest Service.

Delinquencies in excess of 60 days shall be referred to United States Department of Treasury for appropriate collection action as provided by 31 U.S.C. 3711 (g), (1).

The Secretary of the Treasury may offset an amount due the debtor for any delinquency as provided by 31 U.S.C. 3720, *et seq.*)

VII. OTHER PROVISIONS

A. Members of Congress. No Member of or Delegate to Congress or Resident Commissioner shall benefit from this permit either directly or indirectly, except when the authorized use provides a general benefit to a corporation.

B. Appeals and Remedies. Any discretionary decisions or determinations by the authorized officer are subject to the appeal regulations at 36 CFR 251, Subpart C, or revisions thereto.

C. Superior Clauses. In the event of any conflict between any of the preceding printed clauses or any provision thereof and any of the following clauses or any provision thereof, the preceding printed clauses shall control.

D. State or Native Claims Selection (R10-X98). Should this permit fall within the boundaries of a present or future State or Native claims selection area, this permit shall terminate 2 days prior to the selection receiving tentative approval, interim conveyance, or patent to the State of Alaska, a Native, or a Native corporation.

E. Archaeological-Paleontological Discoveries (R10-X17). Items of historic, prehistoric, or paleontological value are protected under various Federal laws, including the Antiquities Act of 1906 (16 U.S.C. 433), the Archaeological Resource

Protection Act of 1979 (16 U.S.C. 47033) as amended, and Federal regulations. If historic, prehistoric, or paleontological objects or sites are discovered during ground disturbing activities under this permit, the holder must cease such activities in the vicinity of the discovery. The holder is responsible for protecting the objects or sites from further disturbance until the Forest Service is notified. The holder must not resume activities in the area of the objects or sites until written approval from the Forest Supervisor is given. Failure to comply with this clause may result in criminal prosecution of the holder for violation of a Federal law or regulation.

F. Advertising (X30). The holder, in advertisements, signs, circulars, brochures, letterheads, and like materials, as well as orally, shall not misrepresent in any way, either the accommodations provided, the status of the authorization, or the area covered by it or the vicinity. The fact that the permitted area is located on the National Forest shall be made readily apparent in all of the holder's brochures and print advertising regarding use and management of the area and authorized facilities.

G. Regulating Services and Rates (X22). The Forest Service shall have the authority to check and regulate the adequacy and type of services provided the public and to require that such services conform to satisfactory standards. The holder may be required to furnish a schedule of prices for sales and services permitted by the authorization. Such prices and services may be regulated by the Forest Service: Provided, that the holder shall not be required to charge prices lower than those charged by comparable or competing enterprises.

H. Nondiscrimination in Employment and Services (B1). During the performance of this authorization, the holder agrees:

1. In connection with the performance of work under this authorization, including construction, maintenance, and operation of the facility, the holder shall not discriminate against any employee or applicant for employment because of race, color, religion, sex, national origin, age, or disability. (Ref. Title VII of the Civil Rights Act of 1964, as amended).
2. The holder and employees shall not discriminate by segregation or otherwise against any person on the basis of race, color, religion, sex national origin, age, or disability, by curtailing or refusing to furnish accommodations, facilities, services, or use privileges offered to the public generally. (Ref. Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973; Title IX of the Education Amendments, and the Age Discrimination Act of 1975).
3. The holder shall include and require compliance with the above nondiscrimination provisions in any subcontract made with respect to the operations under this authorization.
4. When furnished by the Forest Service, signs setting forth this policy of nondiscrimination will be conspicuously displayed at the public entrance to the premises, and at other exterior or interior locations as directed by the Forest Service.
5. The Forest Service shall have the right to enforce the foregoing nondiscrimination provisions by suit for specific performance or by any other available remedy under the laws of the United States of the State in which the breach or violation occurs.

I. Access to Records (A7). For the purpose of administering this authorization (including ascertaining that fees paid were correct and evaluating the propriety of the fee base), the holder agrees to make all of the accounting books and supporting records to the business activities, as well as those of sublessees operating within the authority of this authorization, available for analysis by qualified representatives of the Forest Service or other Federal agencies authorized to review the Forest Service activities. Review of accounting books and supporting records shall be made at dates convenient to the holder and reviewers. Financial information so obtained shall be treated as confidential as provided in regulations issued by the Secretary of Agriculture.

The holder shall retain the above records and keep them available for review for 5 years after the end of the year involved, unless disposition is otherwise approved by the authorized officer in writing.

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0596-0082.

This information is needed by the Forest Service to evaluate requests to use National Forest System lands and manage those lands to protect natural resources, administer the use, and ensure public health and safety. This information is required to obtain or retain a benefit. The authority for that requirement is provided by the Organic Act of 1897 and the Federal Land Policy and Management Act of 1976, which authorize the Secretary of Agriculture to promulgate rules and regulations for authorizing and managing National Forest System lands. These statutes, along with the Term Permit Act, National Forest Ski Area Permit Act, Granger-Thye Act, Mineral Leasing Act, Alaska Term Permit Act, Act of September 3, 1954, Wilderness Act, National Forest Roads and Trails Act, Act of November 16, 1973, Archaeological Resources Protection Act, and Alaska National Interest Lands Conservation Act, authorize the Secretary of Agriculture to issue authorizations for the use and occupancy of National Forest System lands. The Secretary of Agriculture's regulations at 36 CFR Part 251, Subpart B, establish procedures for issuing those authorizations.

The Privacy Act of 1974 (5 U.S.C. 552a) and the Freedom of Information Act (5 U.S.C. 552) govern the confidentiality to be provided for information received by the Forest Service Public reporting burden for collection of information, if requested, is estimated to average 1 hour per response for annual financial information; average 1 hour per response to prepare or update operation and/or maintenance plan; average 1 hour per response for inspection reports; and an average of 1 hour for each request that may include such things as reports, logs, facility and user information, sublease information, and other similar miscellaneous information requests. This includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

This permit is accepted subject to the conditions set out above.

HOLDER NAME: HELI-SKIING GUIDES, INC.

U.S. DEPARTMENT OF AGRICULTURE
Forest Service

By: _____
(Holder Signature)

By: _____
(Authorized Officer Signature)

By: _____
(Holder Signature)

Title: District Ranger
(Name and Title)

Date: _____

Date: _____

APPENDIX B – Project Area Map

APPENDIX C – Winter Mountain Goat Habitat Map

Appendix D

Decision Notice And Finding of No Significant Impact

Authorization of Commercially Guided Helicopter Skiing In the Allen Glacier to Cleave Creek Area of the Cordova Ranger District

November 27, 2002

USDA Forest Service
Alaska Region
Chugach National Forest

I. INTRODUCTION

The purpose of this Decision Notice is to document the factors I considered and the rationale I used in making a decision concerning authorization of guided helicopter skiing (heli-skiing) in the mountainous area between Marshall Pass and the Copper River on National Forest System lands. The area authorized is bounded by the BLM/National Forest boundary on the north side of Cleave Creek and on the south by the Allen Glacier. The area encompasses approximately 225,000 acres of the Cordova Ranger District.

This Decision Notice and Finding of No Significant Impact (FONSI) also contains certain findings required by various laws and information concerning the right to Administrative Review of this decision. An environmental assessment (EA) is available for public review in the Forest Supervisor's Office in Anchorage, Alaska and at the Cordova Ranger District Office in Cordova, Alaska. The EA discloses the environmental consequences, including cumulative effects, of alternatives for authorizing commercially guided heli-skiing in this area. It also discloses the consequences of the connected action of flying between the permit area and potential staging areas near Valdez and Cordova. The EA for this project is incorporated by reference in this decision document.

This action is in response to a request made by Valdez Heli-Ski Guides (VHSG) for reissuance of a permit to provide guided heli-skiing on National Forest System lands in the Allen Glacier to Cleave Creek Area. The permit holder has had temporary one year permits in the area in the past, including the 2002 season. Currently guided heli-skiing is authorized on both State and BLM lands adjacent to this analysis area. The demand for this type of activity prompted the applicant to approach the Forest Service for authorization to continue to provide this service on National Forest System lands. However, due to the interest expressed by several different heli-ski operators to provide this type of service to the public, an EA was done to determine the number of operators and the level of service that would be authorized. This has been the only location where guided helicopter skiing is authorized on the Cordova Ranger District.

II. DECISION AND REASONS FOR THE DECISION

A. Decision

Based on the EA for this project, as well as comments received during the 30-day public review of the document, my decision is to select Alternative 2 with modifications. Under this alternative, one operator will be authorized to provide heli-skiing using a maximum of five helicopters at one time. The use season will be from February 1 to April 30.

It is my decision to authorize the issuance of a one-year special use permit for guided helicopter skiing on National Forest System lands in the Chugach Mountain Range north of Cordova, Alaska, in the mountainous areas between Marshall Pass and the Copper River, as previously described. A prospectus will be used to select the successful applicant. Guided helicopter skiing will be permitted in seven regions totaling 225,280 acres of the project area. (Refer to Analysis Area Map on page iii of the EA). The season of use will be from February 1, 2003 through April 30, 2003. Based on the recreation carrying capacity for the area, a total of 87 persons at one time (PAOTs) will be allowed for the 89 service days. In response to comments received on the EA, I decided to reduce the number of helicopters allowed, and not consider extending the season past April 30th to reduce potential impacts to kidding goats.

Following a probationary period, subsequent permits (up to 5-years) may be issued contingent upon successful operations and acceptable performance by the permit holder, and no changes in impacts.

In addition, my decision includes the related activities of flying to and from the permit area and potential staging areas in or near Valdez or Cordova, Alaska, and a fuel cache. The permit area is not near any major population center and getting to and from the permit area does not involve flying over the towns of Valdez or Cordova. Stipulations concerning fuel caches will be included in the permit as they have been in the past.

Use of private land would not be authorized with this permit. Private land is located in the valley bottoms along Tasnuna Creek, Cleave Creek, and along the Copper River.

B. Applicable Laws, Regulations, and Policy

Revised Chugach Land and Resource Management Plan (2002) - This decision is consistent with the Revised Forest Plan. The permit area has an ANILCA 501(b) – 2 prescription that emphasizes the conservation of fish and wildlife and their habitats while providing opportunities for backcountry recreational activities in a natural appearing landscape. The Revised Forest Plan lists this area as being open to all types of winter-motorized use, including snowmobiles and helicopters. Effects are displayed in the FEIS for the Revised Forest Plan. This prescription was developed to address the “Management of fish and wildlife habitat”, “Motorized Access”, “Non-motorized access” and “Recreational opportunities” interests. Commercial outfitter guide carrying capacity is set at 50% of total carrying capacity. Allowed activities include special use permit (SUP) storage of related recreation equipment at an assigned site. The permit area has a Recreation Opportunity Spectrum (ROS) class of Primitive II, which allows motorized uses, involves low interactions between users, no or very infrequent sounds of human activity and

human use is essentially unnoticeable. The maximum party size is 15. This action will implement the Revised Forest Plan by providing opportunities for backcountry recreation activities in a natural appearing landscape, maintaining quality settings for motorized recreation opportunities, and providing undeveloped dispersed recreation opportunities.

National Forest Management Act (NFMA) 1976 – The Revised Forest Plan complies with all resource integration and management requirements of 36 CFR 219. Application of Forest Plan direction for the analysis area ensures compliance at the project level. Refer to pages 2 through 8 of the EA.

Coastal Zone Management Act of 1972, as Amended (CZMA) - The Memorandum of Understanding (MOU) between the State of Alaska and the Alaska Region of the Forest Service for implementing the CZMA, identifies types of projects that affect the coastal zone and are subject to ACMP review. Helicopter skiing is not an activity requiring a consistency review prior to permit issuance.

Endangered Species Act of 1973 - A Biological Evaluation has been completed for this action and it indicates that no Federally listed threatened, endangered, or sensitive species of plants or animals will be affected by this activity.

Bald Eagle Protection Act of 1940 - As described in the Response To Comments on pages 12-13, and pages 45 – 46 of the EA, this activity has been determined to have negligible to low impacts to bald eagles.

National Historic Preservation Act of 1966 – No significant effects on known or unknown cultural resources are anticipated. No cultural site survey is required for activities conducted on snow per the Programmatic Agreement between Forest Service, State Historic Preservation Officer and the Advisory Council.

Floodplain Management (E.O. 11988), Protection of Wetlands (E.O. 11990) - This activity is not located on any floodplain or wetland. It will not impact the functional value of any floodplain as defined by Executive Order 11988 and will not have negative impacts on wetlands as defined by Executive Order 11990.

Environmental Justice (E.O. 12898) - I have determined that in accordance with Executive Order 12898 this activity does not have disproportionately high and adverse human health or environmental effects on minority populations and low-income populations.

Alaska National Interest Lands Conservation Act of 1980, Public Law 96-487, (ANILCA) Section 501 (b), CFR 241.22 - After review of the EA and in particular pages 58 – 59, I conclude that this activity does not materially interfere with or detract from the conservation of fish, wildlife, and their habitat and therefore is consistent with the multiple use activities allowable under 501(b) designation.

ANILCA Section 810, Subsistence Evaluation and Finding – As described on page 60 of the EA, the effects of this project have been evaluated to determine potential effects on subsistence opportunities and resources. There is no documented or reported subsistence use that would be restricted as a result of this decision.

Clean Air Act of 1970, as amended – Emissions anticipated from the implementation of any project alternative would be of short duration and not expected to exceed State of Alaska ambient air quality standards.

Clean Water Act of 1977, as amended – The design of the special use permit is in accordance with Forest Plan standard and guidelines, the best management practices and applicable Forest Service manual and handbook direction. The permit will include specific requirements to prevent or reduce water pollution. Permit activities are expected to meet all applicable State of Alaska water quality standards.

Wilderness Act of 1964 – No National Forest System lands are proposed to be designated Wilderness in the permit area and the permit request did not include flying across the Copper River and over adjacent Wrangell-St. Elias Wilderness and National Park/Preserve. However, to address the concern raised by the National Park Service during review of the EA, a stipulation will be included in the permit to not allow helicopter use within 2,500 feet horizontal distance from designated wilderness and park boundaries, and at no time would aircraft operating under this permit fly over the Wrangell-St. Elias Wilderness and National Park/Preserve, unless safety would be compromised.

C. Issues

Issues for this project were identified through public and internal scoping (EA, pages 8 – 10). Similar issues were combined into one statement where appropriate. The following four issues were determined to be substantive and within the scope of the project decision. These issues are addressed through the proposed action and alternatives. These issues were used in developing alternatives, mitigation measures, and monitoring plans, in the analysis of the environmental consequences, and in making my decision. Other concerns were raised but determined to be outside the scope of this site-specific analysis and decision to be made, or addressed in the Forest Plan or other processes (EA pages 9 – 10). As needed, resource effects related to those concerns are discussed in Chapter 3 of the EA.

Issue 1: There were concerns that providing guided heli-skiing could be noisy and could impact the recreation experience of users in the area, including noise and type of experience provided. The EA describes how this issue is addressed in all alternatives on pages 20 and 23-30 and describes the consequences on pages 36-41. All alternatives will provide a ROS class Primitive II (PII) type of recreation experience. This class establishes that the party size should not exceed 15 people and encounters between groups shall be one or less per day.

Issue 2: There were concerns that guided heli-skiing could have impacts on the wildlife habitat and populations in the area; specifically that helicopter noise and the visual presence of helicopters could affect wildlife, especially mountain goats. The EA describes how this issue is addressed by each alternative on pages 21 and 31 and displays the consequences of the alternatives with respect to this issue on pages 42-53. Areas of known goat winter range have been eliminated from the regions approved for operations and stipulations will be included in the special use permit to reduce potential disturbance to wildlife in the area.

Issue 3: *There was a concern that guided heli-skiing could have effects such as trespass or unauthorized use on adjacent private lands and bordering State and BLM lands.* The operator will be required to use up-to-date maps and GPS equipment to make sure they are operating only on National Forest System lands (EA pages 20, 32, 54, and 55).

Issue 4: *There was a concern that the number of permits issued for the area could have an effect on the safety of the users in the area.* The EA describes how this issue is addressed by each alternative on pages 20 and 32-34 and displays the consequences on pages 55-56.

D. Rationale for the Decision.

In making my decision, I diligently considered all issues and took into account the competing interests and values of the public. There were many divergent public, personal, and professional opinions expressed during this analysis. The EA shows how issues raised during initial scoping were addressed. The attached Response To Comments shows how the comments received on the EA have been considered in making my decision. The selected alternative provides the opportunity for the public to pursue guided heli-skiing activities in a remote, pristine area within the framework of existing laws, regulations, policies, public needs and desires, and capabilities of the land, while responding to the purpose and need for the project. This proposal helps meet the public demand for quality, safe, guided helicopter skiing while minimizing impacts to wildlife and other users. This will be the only area under permit for guided helicopter skiing on the Cordova Ranger District of the Chugach National Forest during the 2003 season.

Alternative 2 was modified to allow a maximum of five helicopters and will allow for no exception for extending the season of use past April 30th in response to the comments received on the EA. It was selected with its mitigation measures for the following reasons:

1. Many comments were received during the comment period for the EA. In my considerations of the analysis and the issues and concerns raised by everyone, I put additional weight on information that related to the operational realities of heli-ski activities. The information from people who have intimate knowledge of the industry raised a number of issues. For example, safety hazards can occur when lack of sufficient terrain restricts the operator's flexibility to select ski locations given ever-changing snow and weather conditions and clients' differing abilities. Also, the potential for accidents increases when more helicopters are in use at the same time. Also highlighted were the logistical and economic difficulties that would occur if the regions were split between two or more operators, where each operation did not have the ability to use all the regions to move clients around the permit area. I also feel that my decision to authorize only one operator and reduce the maximum number of helicopters allowed responds to some of the concerns raised by other commenters. This decision will reduce the potential for effects on wildlife and other users as compared with the proposed action in the EA. It will better respond to people concerned with the associated noise and number of take-offs, landings, and overflights in the Primitive II ROS classification.
2. The selected alternative is consistent with the Revised Forest Plan and helps meet the desired conditions for the area. The desired condition for the analysis area is to maintain quality settings for motorized recreation opportunities, provide seasonal opportunities for

motorized recreation activities in a safe manner and meet the recreation experience guidelines for the Recreation Opportunity Spectrum (ROS) Class of Primitive II prescribed for the area. Since heli-skiing is only one of the potential commercial winter guided activities within the analysis area, and to assure meeting the Primitive II ROS standards, wildlife and recreation issues and concerns, and to maintain high safety standards, only half of the total Commercial Guided Carrying Capacity has been assigned as commercial heli-guided use. Also in response to comments received on the EA about potential for noise and impacts to other users and wildlife, and safety concerns, I reduced the maximum number of helicopters to five and operators to one.

3. By only allowing a maximum of five ships and one operator, it provides an opportunity for commercially guided heli-ski operations under conditions that the operator can best provide the quality of skiing experience that guided heliskiers are pursuing, while reducing the likelihood of disturbing wildlife, other users in the area, and reducing potential noise. A maximum of five helicopters still allows the operator to provide transportation for the allowable number of PAOTS (87) while reducing the number of overflights, take-offs and landings from what could have potentially taken place if eight helicopters were allowed. It also reduces the number of potential fly-bys that may occur if two or more operators were in the permit area or more ships were allowed. It also better provides a safer operating environment because on some days, weather and snow conditions may cause two or more operators to be competing for limited terrain suitable for skiing and result in an unacceptable recreation experience for the clients and other users. Concerns raised by the public when reviewing the EA are better addressed by Alternative 2 with modifications than by Alternative 3.
4. The mitigation measures and monitoring plan will result in meeting Forest Plan Standards and Guidelines and favorably address issues raised by reducing potential effects on goats, other wildlife, noise, safety, recreation experience, and private land in the area. These measures and monitoring plan will be included in the special use authorization.
5. The public was concerned with the potential noise and impacts on backcountry users by continuing to allow guided heli-ski operations in the area. This area was chosen for this activity because other use, including motorized and non-motorized, is relatively low. This area was originally considered as an area suitable for guided heli-ski operations because of its distance from Valdez and Cordova, the limited amount of non-motorized use in the area to begin with, and the fact that it is relatively inaccessible without using helicopters, planes, or snowmachines. There has only been an occasional snowmachine track or cross country ski track observed in the area. No negative comments have been received by any users of the area regarding the previous permitted heli-ski use. Impacts are disclosed in the EA.
6. Public concerns were raised about impacts to wildlife from helicopters. Of particular interest were concerns about impacts to mountain goats. Areas of currently known and potential goat winter habitat have been mapped on page 18 of the EA and eliminated

from the areas authorized for heli-skiing and fuel caches. Also, the permit period will not extend past April 30th to avoid the goat-kidding period, which usually begins around mid May. The Revised Forest Plan standards and guidelines for mountain goats will be followed, and are attached as stipulations in the permit. The regions permitted for use can be modified as necessary. All of the impacts to wildlife due to the commercially guided helicopter skiing proposal would be characterized as indirect effects. No long-term habitat alteration would occur. The indirect impacts, as disturbance and displacement, would be short term and limited duration, as discussed above. These impacts are not likely to cause long-term population impacts to any of the wildlife typically found in the area.

7. A public concern was raised that a broad enough range of alternatives for this activity was not analyzed; in particular that other locations for the proposed activity or the possibility of dropping portions of the analysis area were not considered as an alternative. In the recent Forest Plan Revision effort, a wide range of possible locations for winter motorized activities, including heli-skiing, went through an open public process. In various Forest Plan alternatives the entire Cordova Ranger District was analyzed for the appropriateness of heli-ski operations. As a result of that process, some areas on the District are open and some are closed. The analysis area for this proposed activity falls within a geographic location that was determined to be appropriate for this type of use. In addition, no issue or concern was raised during the public process for this proposal that suggested that specific geographic locations within the analysis area not be considered. The range of alternatives considered in the EA was developed in direct response to the issues identified during public and internal scoping. And finally, during alternative development, any areas of potential or known goat winter habitat were dropped from consideration, because I would not have considered these locations in any alternative. See Comment/Response #4, page 3-4 of the attached Response To Comments for additional discussion.
8. After a careful review of the environmental consequences documented in Chapter 3 of the EA and by taking this conservative approach to allowing this activity, I am satisfied that any adverse effects, especially to the fish, wildlife, and recreation experience of users, will be of a short term nature and are not significant. This finding applies to the authorized use and other related actions included in this decision, both separately and viewed together and in relation to the cumulative and other impacts addressed in the EA.

E. Additional Factors Considered in Making the Decision.

In making my decision to authorize issuing one special use permit to a single operator for conducting helicopter supported skiing within seven regions totaling 225,280 acres on the Cordova Ranger District in the Cleave Creek to Allen Glacier area, I also considered the following:

1. This commercial use of National Forest System lands is an allowed activity under the ANILCA 501(b) - 2 prescription of the Forest Plan and helps meet the desired condition by providing opportunities for winter motorized backcountry recreation activities in a natural appearing landscape.

2. The entire Chugach National Forest was reviewed through a public process to determine which areas should be open or closed to helicopter operations and other motorized uses, where wilderness designations were appropriate, which rivers were eligible for wild and scenic rivers designations and which rivers should be recommended for designation. Roadless areas were addressed as well in the Revised Forest Plan. Effects are displayed in the FEIS for the Revised Forest Plan. It was through that process that the range of locations appropriate for motorized uses were considered. The proposed action of transporting skiers, landing a helicopter on snow or ice, dropping off and picking up skiers and transporting them back to private land would not alter the physical roadless characteristics of the area.
3. The Revised Forest Plan does not recommend the permit area for wilderness designation, and allows for winter-motorized use including helicopters in this area. I recognize that a constituency may develop that wants to continue this type of use in the area; however, the proposed helicopter use would not have a permanent effect on the physical environment nor preclude the area from being considered for wilderness in a future revision effort. Winter helicopter skiing would have little effect on the physical character of the wilderness environment. Although helicopter use would impact some wilderness values such as solitude, sense of remoteness, primitive recreation, self-reliance, and untrammelled natural state, such impacts would be temporary. No facilities would be built and no trees would be cut in the project area. Eliminating the use could reverse any impacts.
4. The allowed number of 87 guided PAOTS is one-half of the Commercial Outfitter Guide Capacity Allocation (50%) as shown on the Activities Table for this prescription in the Revised Forest Plan. Past use of 704 client days and 3-4 helicopters has been well below the maximum allowable use of 7,743 client-days. I considered the potential of each alternative of reaching this capacity and how each provides a safe recreation experience for both guided and nonguided users of the area.
5. The mitigation measures as outlined on pages 20 – 21 of the EA will be included as stipulations in the special use permit to reduce effects on recreation experience, quiet, and wildlife, especially goats. I will not consider extending the permit past April 30th to eliminate potential of disturbing goats during kidding period (usually starts mid May). Also, reducing the maximum number of helicopters allowed from eight to five will better meet the Primitive II ROS class by reducing the number of take-offs, landings, and overflights, the amount of noise, and potential for disturbing other users and wildlife.
6. A stipulation will be added to the permit authorization to address comments raised by the National Park Service. Unless safety would be compromised, helicopters will be required to stay 2,500 horizontal feet away from the Wrangell-St. Elias Wilderness and National Park/Preserve boundary and not be permitted to fly over the Park or Preserve to eliminate impacts to users of the Park.

7. A 100-gallon fuel cache has been included in previous permits for heli-ski activities in the same area. Stipulations for a fuel cache will be included in the permit authorization as it has been in the past. The USFS and operator will jointly determine the location of the fuel cache prior to the operating season. To meet State DEC requirements, an EPA approved leak-proof fuel containment bib must surround the cache. Fuel spill absorbent materials must be on site. The bib, fuel and all supplies must be removed at the conclusion of each operating season.
8. Requiring use of GPS equipment and up-to-date ownership maps should eliminate potential for trespass on adjacent lands and flying near or over Wrangell –St. Elias Wilderness and National Park/Preserve. Private lands are located in the valley bottoms and lower elevations. Use of private lands is not authorized with this permit.
9. Routine monitoring will occur as the special use permit is reviewed annually, and monitoring of goat populations and habitat will continue on an annual basis. The results can be used to adjust the location, the amount, or the duration of use allowed in the project area. As suggested in the comments received on the EA, besides getting reports from the operator, the Forest Service, as part of the routine monitoring of the special use permit authorization, will conduct inspection trips to the area.
10. Since this will be the only area where guided heli-ski operations are currently allowed on the Cordova Ranger District, there are other parts of the District available for other uses, both motorized and non-motorized.
11. The environmental analysis and accompanying biological evaluation considered wildlife species that are either listed on the Federal Threatened, Endangered or Sensitive List, are Management Indicator Species in the Revised Forest Plan, or were brought up as species of interest during the public scoping process. During the public comment period for the EA, several other species were mentioned, and additional questions were asked about some of the previously considered species. Since receiving those comments, considerable effort has been put into answering those questions and an analysis of the potential effects on the additional species. This information can be found on pages 7-18 of the Response To Comments attached to this Decision Notice, and literature sources reviewed and additional persons consulted are listed in the Project File. Based on the additional analysis, I am satisfied that the original determinations regarding the potential effects to wildlife are still valid, and that the effects of the permitted activities to the addition species considered will be negligible to low.
12. Chapters 2 and 3 of the EA disclose potential impacts, including the reasonably foreseeable cumulative effects of implementing each of the alternatives. When I consider the decision to conduct the above activities in this analysis area, with the information contained in the GIS database, Forest Plan FEIS, other EA's for similar activities, and the environmental analysis prepared for this project, I have sufficient information to make this decision.

III. ALTERNATIVES CONSIDERED.

A. Alternatives Eliminated from Detailed Study

I reviewed the rationale for eliminating the alternatives to consider a larger area, more than one operator in one region, and issuing a longer term permit initially, and agree with the conclusions given on page 16 of the EA.

B. Alternatives Considered

In making my decision, I considered the following alternatives:

The alternatives considered were:

1. Not authorize commercially guided heli-ski use of National Forest System lands.
2. Issue one permit allowing commercial use in the area previously under permit.
3. Issue two permits for the area, assigning operators to separate zones.
4. Issue more than two permits, assigning operators to separate zones.

Alternative 1 - No Action. In this alternative, a new permit would not be issued and the proposed commercially guided helicopter skiing would not be allowed. No client-days would be permitted. It does not preclude issuing helicopter guided skiing permits for other areas at this time or for this analysis area at some time in the future. This alternative responds to Issues 1 and 2 since no guided helicopter use would be allowed in the area and noise from helicopters would be less. It does not preclude unguided publics from chartering a helicopter and heli-skiing in the area. This alternative represents the pre-existing condition prior to issuance of previous temporary 1-year permits. The current special use permit expires December 31, 2002.

Alternative 2 - One Operator. Under this alternative a probationary one-year special use permit to a single operator would be issued for conducting helicopter supported skiing within seven regions of the permit area. A prospectus would be used to select the successful applicant and a one-year probationary permit issued. Following the probationary period, a subsequent permit may be issued contingent upon successful operations and acceptable performance by the permit holder. The season of use would be from February 1st through April 30th (89 days) and could be extended, upon request, if conditions warrant. Based on the recreation carrying capacity for the area and in response to comments received on the EA, a maximum of eight helicopters and 87 persons at one time (PAOTs) would be allowed for the 89 days. **This is the alternative I am selecting. However, I am modifying the maximum number of helicopters from eight to five and I am not going to consider extending the season past April 30th to eliminate potential effects on kidding goats.**

Alternative 3 (Proposed Action) - Two operators. Under this alternative one-year special use permits would be issued to two operators for conducting helicopter supported skiing within seven regions of the analysis area. A prospectus would be used to select the successful applicants and one-year probationary permits issued. Following the probationary periods, subsequent permits may be issued contingent upon successful

operations and acceptable performance by the permit holders. The seven regions would be split between the two operators in such a way that they would not use the same runs at the same time. The season of use would be from February 1st through April 30th (89 days) and could be extended, upon request, if conditions warrant. A total of eight helicopters and 87 persons at one time (PAOTs) would be allowed for the 89 days.

Alternative 4 - Three or more operators. Under this alternative, probationary one-year special use permits would be issued to three or more operators for conducting helicopter supported skiing within seven regions totaling 225,280 acres in the analysis area. A prospectus would be used to select the successful applicants. Following the probationary periods, subsequent permits may be issued contingent upon successful operations and acceptable performance by the permit holders. The seven regions would be split between the operators in such a way that they would not use the same runs at the same time. The season of use would be from February 1st through April 30th (89 days) and could be extended, upon request, if conditions warrant. A total of eight helicopters and 87 persons at one time (PAOTs) would be allowed for the 89 days.

IV. PUBLIC INVOLVEMENT

The public has been invited to participate in the project in several ways. Public involvement was initiated in April 2001, with the ***Chugach National Forest Schedule of Proposed Actions for Environmental Analysis.*** Approximately 344 quarterly schedules were mailed to interested individuals, organizations, and agencies.

In June 2001, a letter providing information about the proposal and seeking public comment was mailed to 5 companies that had expressed interest in providing heli-ski guided operations on the Cordova District of the Chugach National Forest. One objective of this letter was to gather information on potential demand for providing this service. In July of 2001, letters seeking comments concerning the proposed action were sent to adjacent landowners including State, Federal and private landowners and to people who had expressed interest in heli-ski operations on adjacent State lands near Thompson Pass. Public notices were printed in the Cordova Times, Valdez Vanguard, and Anchorage Daily News describing the proposal and asking for public input. A total of 30 written responses were received as a result of this scoping effort (see Appendix III of the EA).

In October 2002, the EA was made available for public review. A copy was mailed to those who expressed interest, a copy was posted on the Forest Web site, and copies were made available at the Supervisors Office in Anchorage and the Cordova District Office in Cordova.

We received 15 letters or e-mails in response to the EA. The attached Response to Comments shows how I considered them to make my decision. Based on the analysis and comments received, I decided to take a more conservative approach to authorizing this activity and selected and modified Alternative 2 instead of Alternative 3 as originally proposed in the EA.

V. IMPLEMENTATION, MONITORING, AND MITIGATION.

A. Implementation

This project will be implemented in accordance with Forest Service Manual and Handbook direction for issuing special use permits and mitigation measures and monitoring plans described in the EA. This direction provides a bridge between project planning and implementation and will ensure execution of the actions, environmental standards and mitigation approved by this decision and compliance with other laws.

Implementation of decisions made by the Cordova District Ranger, which are subject to appeal pursuant to 36 CFR part 215, may occur on, but not before, five business days from the close of the appeal filing period if no appeal is received. The appeal filing period closes 45 days after publication of legal notice of this decision in the Anchorage Daily News newspaper, published in Anchorage, Alaska. In the event an appeal is received, the decision may be implemented 15 days following disposition of the appeal.

B. Mitigation

Mitigation measures are site-specific measures to reduce the adverse impacts of proposed management activities. Applicable Forest Plan Standards and Guidelines are referenced on page 3 - 8 in the EA. Additional site-specific mitigation measures are specified on pages 20 through 21 of the EA. In addition, the stipulations described earlier in this Decision Notice on page 5 and 6 will be included in the permit authorization. Also the alternative was modified to only allow a maximum of five helicopters and not allow the operator to extend the season beyond April 30th to reduce potential impacts.

C. Monitoring

A specific monitoring plan for this proposal is included on page 21 of the EA. Comments concerning a baseline monitoring plan are addressed in the Revised Forest Plan, Chapter 5 – Monitoring and Evaluation Strategy. In addition, based on comments received that identified a concern with relying solely on information provided by the operator, an additional element has been added to the monitoring plan for on-site inspection and monitoring of the permit operations to be conducted by Forest Service personnel during the operating season.

VI. FINDING OF NO SIGNIFICANT IMPACT

In making my decision, besides reviewing the analysis conducted for this proposal, I also reviewed the Finding of No Significant Impact in the Decision Notice of October 10, 2000, for the Environmental Assessment for Commercially Guided Helicopter Skiing On the Glacier and Seward Ranger Districts, Chugach National Forest. While there are differences in the geographic setting, the effects of both proposed actions are similar. After review of the findings in the EA's, I have determined that these actions will not significantly affect the quality of the human environment; therefore, an environmental impact statement is not needed.

This determination is based on the effects analysis documented in the environmental assessment, in light of the following factors listed in 40 CFR 1508.27:

Context

The authorization to conduct commercially guided heli-skiing is an activity that is limited in scope and duration. The potential effects will be confined to approximately a 3-month period in the winter on snow and ice in an area that is relatively inaccessible except by motorized use. No ground disturbing activities will take place. The permit will be reviewed annually. Because of the temporary nature of the proposed action, no irreversible or irretrievable commitment of resources is anticipated. The activity is limited to areas allocated to motorized recreational activities in the recently revised Forest Plan.

Intensity

Both beneficial and adverse effects have been taken into consideration when making this determination of significance. Beneficial effects have not, however, been used to offset or compensate for potential adverse effects. Public health and safety should not be adversely affected. Use of experienced guides can reduce risks to people unfamiliar with the area.

The characteristics of the geographic area do not make it uniquely sensitive to the effects of the guided heli-ski operations. Site-specific analysis and review of other similar projects on the Forest lead us to expect no measurable off-site environmental effects or serious on-site environmental effects. There would be no road construction, no helicopter landing pad construction, or clearing of vegetation.

Although there is public disagreement over the potential for significant effects, scientific and professional experts consulted agree that the activities can be implemented without significant effects on the environment. Public disagreement is not sufficient to create controversy of the nature that would require an EIS. Guided heli-ski activities have been conducted on the Forest for many years and monitoring efforts have not identified significant effects.

Commercially guided heli-ski operations are not unique uses of National Forest and are not considered highly uncertain nor do they represent unique or unknown risks.

This decision does not set a precedent for future decisions. Any future decisions within this analysis area or any other area on the Forest will need to consider all relevant scientific and site-specific information available at that time.

This action does not represent potential cumulative adverse impacts when considered in combination with other past or reasonably foreseeable actions. There would be no cumulative effects on roadless areas and their potential for wilderness classification because there would be no activities that would alter the physical setting or permanently degrade wilderness values.

The area contains no known threatened, endangered, or sensitive plants or animals. There is no critical habitat for threatened or endangered species within or adjacent to the project area.

This action does not threaten a violation of any federal, state, or local environmental protection law.

VII. ADMINISTRATIVE REVIEW

This decision is subject to administrative review pursuant to 36 CFR 215. The appeal must be filed in writing within 45 days of the date the legal notification of this decision is published in the Anchorage Daily News. We expect to publish the legal notification on or about November 28, 2002. Any appeal should be sent to:

Regional Forester
Alaska Regional Office
P.O. Box 21628
Juneau, AK 99802-1628

Anyone who appeals must provide the Regional Forester sufficient narrative evidence and argument to show why the decision by the District Ranger should be remanded or reversed. At a minimum the notice of appeal must:

State that it is an appeal pursuant to 36 CFR 215.

List the name and address of the appellant and, if possible, a phone number.

Identify this decision, the Chugach National Forest "Commercially Guided Helicopter Skiing in the Allen Glacier to Cleave Creek Area of the Cordova Ranger District Special Use Permit", the date it was signed, and the decision maker, Rebecca S. Nourse, District Ranger.

Identify the change or changes in the decision that the appellant seeks, or the portion of the decision to which the appellant objects.

State how the decision fails to consider comments previously provided, either before or during the comment period specified in 36 CFR 215.6, and, if applicable, how the appellant believes the decision violates law, regulation, or policy.

VIII. CONTACT PERSON

For additional information about this decision, contact Bruce Campbell, Forestry Technician, P.O. Box 280, Cordova Ranger District, Cordova, AK 99574, Phone # (907) 424-7661.

/s/ Rebecca S. Nourse

November 27, 2002

REBECCA S. NOURSE
District Ranger

Date

Appendix E

FINANCIAL STATEMENT

(Ref. 36 CFR 223.7(e), 36 CFR 251.54(e)(2), Federal Acquisition Regulation 48 CFR 9.104-1.)

INSTRUCTIONS: Forest Service (FS) requires the respondent to provide the most recent fiscal year financial statement. FS may also request the respondent to provide two additional years of financial data, on a case by case basis. If more space is needed to fully answer any item below, attach additional sheets.

1. NAME OF CORPORATION, PARTNERSHIP, OR PROPRIETORSHIP (include any names the organization/firm operated under during past three years and specify the year operated for each name):

2. STATE
INCORPORATED

3. DATE INCORPORATED

4. ADDRESS OF PRINCIPAL PLACE OF BUSINESS (*with ZIP CODE*)

5. IF PARTNERSHIP, NAMES OR PARTNERS, AND THEIR PARTNERSHIP INTERESTS

6. NAMES, TITLES, AND ADDRESSES OF CORPORATE OFFICERS AND DIRECTORS, WITH NUMBER OF SHARES OF STOCK OWNED BY EACH

FULL NAME	TITLE	ADDRESS (Number, Street, City, State, and ZIP CODE)	SHARES OWNED

7. REFERENCES (At least three should be given, preferable banks):

Full Name	ADDRESS (Number, Street, City, State, and ZIP CODE)

NOTE: Respondents may submit certified financial statements in lieu of answering PARTS A through C on the next pages. However, respondents must complete either certification statement PART D (1) or PART D (2) at the bottom of the last page.

PART A. BALANCE SHEET			
	CURRENT YEAR (MO/DA/YR)	PAST YEAR (MO/DA/YR)	THIRD YEAR (MO/DA/YR)
YEAR ENDED			
ASSETS			
CURRENT ASSETS:			
CASH			
RECEIVABLES-TRADE			
LESS ALLOWANCES FOR DOUBTFUL ACCOUNTS	< >	< >	< >
INVENTORIES (LIST MAJOR CATEGORIES):			
SUPPLIES AND MISCELLANEOUS			
MARKETABLE SECURITIES			
PREPAID EXPENSES			
SUPPLIES INVENTORY			
OTHER CURRENT ASSETS:			
TOTAL CURRENT ASSETS			
FIXED ASSETS:			
LAND			
BUILDINGS			
MACHINERY AND EQUIPMENT			
PLANT			
LEASEHOLD IMPROVEMENTS			
OTHER			
LESS ALLOWANCE FOR DEPRECIATION	< >	< >	< >
BOOK VALUE-FIXED ASSETS			
OTHER ASSETS:			
DEPOSITS-CASH			
DEPOSITS-SECURITIES			
TOTAL-OTHER ASSETS			
TOTAL ASSETS			

LIABILITIES AND OWNER EQUITY	CURRENT YEAR	PAST YEAR	THIRD YEAR
CURRENT LIABILITIES:			
ACCOUNTS PAYABLE-TRADE			
ACCRUED PAYROLL			
ACCRUED PAYROLL TAXES AND INSURANCE			
NOTES PAYABLE			
INCOME TAXES-CURRENT			
OTHER TAXES			
CURRENT PORTION OF LONG-TERM DEBT			
OTHER CURRENT LIABILITIES (SPECIFY):			
TOTAL CURRENT LIABILITIES			
OTHER LIABILITIES:			
DEFERRED INCOME TAXES			
LOANS FROM OFFICERS/PARTNERS			
LONG-TERM OBLIGATIONS-LESS CURRENT AMOUNT			
TOTAL OTHER LIABILITIES			
TOTAL LIABILITIES			
OWNER EQUITY:			
CAPITAL STOCK OUTSTANDING			
RETAINED EARNINGS (DEFICIT)			
PARTNERS' INVESTMENT (DEFICIT)			
TOTAL OWNER EQUITY			
TOTAL LIABILITIES AND OWNER EQUITY			
PART B. SUPPLEMENTAL DATA			
THIS STATEMENT IS ON THE-CASH BASIS _____ ACCRUAL BASIS _____			

INVENTORIES ARE-LIFO _____ FIFO _____ COST OR MARKET WHICHEVER IS LOWER _____			
NAMES OF CONTRACTORS OR SUB-CONTRACTORS USED (IF ANY):			
PART C. INCOME STATEMENT			
	CURRENT YEAR	PAST YEAR	THIRD YEAR
GROSS SALES			
LESS-RETURNS AND ALLOWANCES	< >	< >	< >
NET SALES			
LESS-COST OF GOODS SOLD	< >	< >	< >
GROSS PROFIT ON SALES			
LESS-SELLING EXPENSE	< >	< >	< >
NET PROFIT (LOSS) ON SALES			
GENERAL EXPENSE:			
OFFICERS SALERIES			
LEGAL AND OTHER PROFESSIONAL EXPENSE			
OFFICE EXPENSE			
TOTAL GENERAL EXPENSE			
NET OPERATING PROFIT (LOSS)			
ADD-OTHER INCOME			
LESS-INTEREST EXPENSE			
INCOME TAXES	< >	< >	< >
OTHER EXPENSE	< >	< >	< >
NET AMOUNT OF OTHER INCOME AND EXPENSE	< >	< >	< >
NET PROFIT (LOSS) FOR YEAR			
NOTE: Offers must set forth full, accurate, and complete information as required in this Financial Statement (including any attachments). The penalty for making false statements in this Financial Statement is prescribed in 18 U.S.C. 1001.			
PART D (1). CERTIFICATION FOR CORPORATIONS OR PARTNERSHIPS			
We, the undersigned, general officers (or members) of _____ (Name of corporation or partnership) being severally sworn, each declares that the above or attached financial statements are true and correct, and that it covers all of the financial affairs of said company (or) firm up to and including the date of _____ 2 _____.			
CERTIFYING OFFICIAL'S NAME AND TITLE	SIGNATURE (Sign in ink)	DATE	
CERTIFYING OFFICIAL'S NAME AND TITLE	SIGNATURE (Sign in ink)	DATE	
SWORN TO AND SUBSCRIBED before me this _____ day of _____ (Month/Year).			(Affix Notary Seal)
SIGNATURE	TITLE		
PART D (2). CERTIFICATION FOR INDIVIDUALS			
I swear (or affirm) that the above or attached financial statements are true and correct to the best of my knowledge.			

INDIVIDUAL'S NAME AND TITLE	SIGNATURE (Sign in ink)	DATE
SWORN TO AND SUBSCRIBED before me this ____ day of ____ (Month/Year)		(Affix Notary Seal)
SIGNATURE	TITLE	
<p>Public reporting burden for this collection of information is estimated to average 8 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to Department of Agriculture, Forest Service, Information Collection Coordinator, Room 800/RPE, PO. Box 96090, Washington, D.C. 20250; and to the Office of Management and Budget, Desk Officer for Forest Service (OMB #0596-0082), Washington, D.C. 20503.</p>		
U.S. GPO: 1996-720-508		

Appendix E- Required Mitigation Measures

(From pages 20-21 of 2002 Heli-ski E.A.)

Mitigation for noise and Recreation Experience - Recommended flight paths and flight altitudes, and other mitigation measures listed below would be listed under "permit stipulations" as an exhibit of the permit. The area is managed for motorized uses and the proposed action is consistent with Revised Forest Plan (PII ROS). The following mitigation measures will be included within the special use permit to minimize effects on recreation experiences and quiet:

- All helicopters will maintain a 2,500-foot vertical and horizontal distance from all observed users as weather and ceilings allow. If weather or other conditions do not allow compliance with the above distances, the helicopter will maintain the greatest vertical and horizontal distances safely possible.
- Flight paths in and out of rural areas should not occur over residential areas
- Individual parties will be no larger than 15 people and flights will be conducted in a manner to limit encounters between parties (including unguided parties) to one or less per day.
- Explosives will not be used for avalanche control.
- Helicopters exiting from the Thompson Pass area will fly through Marshall Pass. If the operator selected is Cordova based, helicopters will avoid flying over the City of Cordova and adjacent mountain tops accessible by cross-country skiers.
- All helicopter skiing operations will occur during daylight hours between sunrise and sunset daily.
- The use of an A-Star helicopter is encouraged because they carry more passengers and generate less noise than other available helicopters.
- All FAA safety requirements will be followed.
- No more than five helicopters will be allowed within the permit area at one time.
- No more than 87 heli-ski PAOTS will be allowed within the permit area at one time.
- The heli-ski operator must use GPS equipment and maps to insure their activities occur on the National Forest and not on private or other agency lands where their activities are not authorized.
- The heli-ski PAOT capacity of 87 PAOT's (50% of the commercial capacity), may be distributed within each region up to the commercial capacity PAOT level until the 87 maximum PAOT capacity is reached, but must stay within ROS Primitive II guidelines for maximum group size and number of encounters per day and must meet all other mitigation measures listed.
- Unless safety is compromised helicopters are required to stay a minimum of 2,500 horizontal feet away from the Wrangell-St. Elias National; Park/Preserve boundary

Mitigation for goats and other wildlife - Areas of known or potential goat habitat will not be authorized for heli-skiing. Current information indicates a minimum distance of 1/2 mile does not disturb goats; continuing research may increase or decrease this distance. It is likely that wolverine, black bear and brown bear use the area. The following Mitigation Measures will be to minimize or avoid adverse effects on wildlife:

- Helicopters will not hover, circle, or harass wildlife or waterfowl in any way.
- Helicopters will maintain a minimum landing distance of 1/2 mile (0.8 kilometer) from all observed wildlife.
- Pilots will use flight paths that avoid mountain goats and their habitat.
- Helicopters shall not land within 1/2 mile of any area marked winter goat habitat as shown on the map labeled "Winter Mountain Goat Habitat Cordova Ranger District Chugach National Forest".
- Helicopters will maintain a minimum vertical distance of 1,500 feet above all observed mountain goats or Dall sheep as well as above the surface in areas marked "goat habitat" on the attached map labeled "Winter Mountain Goat Habitat Cordova Ranger District Chugach National Forest"
- The special use permit will include an advisement from Alaska Department of Fish and Game that Alaska Statutes 16.05.940 defines "taking" to include pursuing or in any manner disturbing fish or game. Helicopter use within this area may disturb and therefore illegally take mountain goats. The permit would state that unlawfully pursuing or deliberately disturbing mountain goats would result in permit revocation.
- Helicopter landings will not occur any later than April 30 annually to avoid goat kidding period.
- Skiing will be limited to those areas outside goat habitat as shown on the attached map labeled "Winter Mountain Goat Habitat Cordova Ranger District Chugach National Forest". Specific allowable ski runs will be shown on maps included as an exhibit of the special use permit (s).
- Skiers and operators will not approach within 330 feet of eagle or osprey nests and within 660 feet of goshawk nests.
- Heli-ski operators will report wildlife sighting information to the Forest Service.
- The helicopter fuel cache must meet State DEC requirements and be surrounded by an EPA approved leak-proof containment bib. Adequate fuel spill absorbent materials must be on site.